

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAWRENCE K. BAERMAN
CLERK

CLERK'S OFFICE
JAMES T. FOLEY U.S. COURTHOUSE
445 BROADWAY, ROOM 509
ALBANY, NEW YORK 12207
(518) 257-1800

June 13, 2005

Clerk, US District Court
2300 United States Courthouse
One Courthouse Way
Boston, MA 02210-3002

RE: Pharmaceutical Industry Average Wholesale Price Litigation
MDL Docket # 1456
NDNY Case # 05-cv-397 GLS/GJD

Dear Clerk:

Enclosed herewith please find a certified copy of the Conditional Transfer Order and a certified copy of the docket sheet in the above-listed MDL case. As this case is completely electronic under ECF, you can view the original record by clicking on the "CM-ECF Quick Query" link on our intranet site at <http://156.121.59.197/>.

Please return the copy of this letter to my attention when you receive this. Thank you.

Sincerely,
LAWRENCE K. BAERMAN, CLERK



By: Britney Norton
Deputy Clerk

ban
Enclosures

ACKNOWLEDGMENT: _____ DATE: _____

CLOSED

U.S. District Court
Northern District of New York [LIVE - Version 2.4] (Syracuse)
CIVIL DOCKET FOR CASE #: 5:05-cv-00397-GLS-GJD

County of Tompkins v. Abbott Laboratories, Inc.	Date Filed: 03/31/2005
et al	Jury Demand: Plaintiff
Assigned to: Judge Gary L. Sharpe	Nature of Suit: 890 Other
Referred to: Magistrate Judge Gustave J. DiBianco	Statutory Actions
Cause: 42:1396 - Tort Negligence	Jurisdiction: Federal Question

Plaintiff

County of Tompkins

represented by **Aaron D. Hovan**
Kirby, McInerney Law Firm
830 Third Avenue
New York, NY 10022
212-371-6600
Fax: 212-751-2540
Email: ahovan@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joanne M. Cicala
Kirby, McInerney Law Firm
830 Third Avenue
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Roger W. Kirby
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New York, NY 10022
212-371-6600
Fax: 212-751-2540

Email: iramirez@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Abbott Laboratories, Inc.

Defendant

Agouron Pharmaceuticals, Inc.

Defendant

Alcon Laboratories, Inc.

Defendant

Allergan, Inc.

Defendant

Alpharma, Inc.

Defendant

Amgen, Inc.

Defendant

Andrx Corp.

Defendant

**Astrazeneca Pharmaceuticals
L.P.**

Defendant

Aventis Pharmaceuticals, Inc.

Defendant

Barr Laboratories, Inc.

Defendant

Baxter International, Inc.

Defendant

Baxter Healthcare Corporation

Defendant

Bayer Corp.

Defendant

Ben Venue Laboratories, Inc.

Defendant

Berlex Laboratories, Inc.

Defendant

Biogen Idec, Inc.

Defendant

Biovail Pharmaceuticals, Inc.

Defendant

Boehringer Ingelheim Corp.

Defendant

**Boehringer Ingelheim
Pharmaceuticals, Inc.**

Defendant

**Bristol-Meyers Squibb
Company**

Defendant

Dermik Laboratories, Inc.

Defendant

Dey, Inc.

Defendant

Eisai, Inc.

Defendant

Eli Lilly and Company

Defendant

Endo Pharmaceuticals, Inc.

Defendant

Ethex Corp.

Defendant

Forest Laboratories, Inc.

Defendant

Forest Pharmaceuticals, Inc.

Defendant

Fujisawa Healthcare, Inc.

Defendant

Fujisawa USA, Inc.

Defendant

Genentech, Inc.

Defendant

Genzyme Corp.

Defendant

Gilead Sciences, Inc.

Defendant

Glaxosmithkline, P.L.C.

Defendant

Greenstone, Ltd.

Defendant

Hoffman-La Roche, Inc.

Defendant

Immunex Corp.

Defendant

Ivax Corp.

Defendant

Ivax Pharmaceuticals, Inc.

Defendant

**Janssen Pharmaceutica
Products, LP**

Defendant

Johnson & Johnson

Defendant

King Pharmaceuticals, Inc.

Defendant

McNeil-PPC, Inc.

Defendant

Medimmune, Inc.

Defendant

Merck & Co., Inc.

Defendant

Monarch Pharmaceuticals, Inc.

Defendant

Mylan Laboratories, Inc.

Defendant

Mylan Pharmaceuticals, Inc.

Defendant

**Novartis Pharmaceuticals
Corp.**

Defendant

**Novo Nordisk Pharmaceuticals,
Inc.**

Defendant

**Oncology Therapeutics
Network Corp.**

Defendant

**Organon Pharmaceuticals
USA, Inc.**

Defendant

Ortho Biotech Products LP

Defendant

**Ortho-McNeil Pharmaceutical,
Inc.**

Defendant

Par Pharmaceutical, Inc.

Defendant

Pfizer, Inc.

Defendant

Pharmacia Corp.

Defendant

Purdue Pharma, L.P.

Defendant

Purepac Pharmaceutical Co.

Defendant

Reliant Pharmaceuticals

Defendant

Roche Laboratories, Inc.

Defendant

Roxane Laboratories, Inc.

Defendant

Sandoz, Inc.

Defendant

Sanofi-Synthelabo, Inc.

Defendant

Schering Corp.

Defendant

Schering-Plough Corp.

Defendant

Serono, Inc.

Defendant

Smithklinebeeckam Corp.

doing business as

Glaxosmithkline

Defendant

**Takeda Pharmaceuticals North
America, Inc.**

Defendant

**Tap Pharmaceutical Products,
Inc.**

Defendant

Teva Pharmaceutical USA, Inc.

Defendant

UCB Pharma, Inc.

Defendant

UDL Laboratories, Inc.

Defendant

**Warrick Pharmaceuticals
Corp.**

Defendant

Watson Pharmaceuticals, Inc.

Defendant

Watson Pharma, Inc.

Defendant

Wyeth

Date Filed	#	Docket Text
03/31/2005	<u>1</u>	COMPLAINT against Alpharma, Inc., Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Baxter International, Inc., Baxter Healthcare Corporation, Bayer Corp., Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax

		<p>Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, Inc., McNeil-PPC, Inc., Medimmune, Inc., Merck & Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon Pharmaceuticals USA, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corp., Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Abbott Laboratories, Inc., Schering Corp., Schering-Plough Corp., Serono, Inc., Smithklinebeeckham Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Agouron Pharmaceuticals, Inc., Warrick Pharmaceuticals Corp., Watson Pharmaceuticals, Inc., Watson Pharma, Inc., Wyeth, Alcon Laboratories, Inc., Allergan, Inc. (Filing fee \$ 250 receipt number ALB000649) filed by County of Tompkins. (Attachments: # 1 Exhibit(s) Page 35-74# 2 Exhibit(s) Page 75-114# 3 Exhibit(s) Page 115-136# 4 Exhibit(s) A part 1# 5 Exhibit(s) A part 2# (6) Exhibit(s) A part 3# 7 Exhibit(s) A part 4# 8 Exhibit(s) A part 5# 9 Exhibit(s) B# (10) Exhibit(s) C# 11 Exhibit(s) D# 12 Exhibit(s) E)(ban) Additional attachment(s) added on 4/28/2005 (jel,). Additional attachment(s) added on 4/28/2005 (jel,). Additional attachment(s) added on 4/28/2005 (jel,). (Entered: 03/31/2005)</p>
03/31/2005		<p>Summons Issued as to Alpharma, Inc., Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Baxter International, Inc., Baxter Healthcare Corporation, Bayer Corp., Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly</p>

		and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, Inc., McNeil-PPC, Inc., Medimmune, Inc., Merck & Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon Pharmaceuticals USA, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corp., Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Abbott Laboratories, Inc., Schering Corp., Schering-Plough Corp., Serono, Inc., Smithklinebeeckham Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Agouron Pharmaceuticals, Inc., Warrick Pharmaceuticals Corp., Watson Pharmaceuticals, Inc., Watson Pharma, Inc., Wyeth, Alcon Laboratories, Inc., Allergan, Inc.. (ban) (Entered: 04/01/2005)
03/31/2005	<u>2</u>	G.O. 25 FILING ORDER ISSUED Initial Conference set for 8/3/2005 02:30 PM in Syracuse before Magistrate Judge Gustave J. DiBianco. Civil Case Management Plan due by 7/25/2005. (ban) (Entered: 04/01/2005)
04/28/2005		CLERK'S CORRECTION OF DOCKET ENTRY - Exhibit A Part 3 and Exhibit C to the <u>1</u> complaint were corrupted. Exhibits have been rescanned and properly uploaded. (jel,) (Entered: 04/28/2005)
05/03/2005	<u>3</u>	Letter from Aaron Hovan, outside counsel for County of Tompkins requesting Adjournment of Deadlines. (Hovan, Aaron) (Entered: 05/03/2005)

05/04/2005	<u>4</u>	ORDER : granting the # <u>3</u> Letter Request filed by County of Tompkins. The Clerk terminated the Rule 16 conference and the civil case management plan deadlines. Status Report deadline set for 12/15/2005. Signed by Judge Gustave J. DiBianco on 5/4/05. (jmb) (Entered: 05/05/2005)
05/19/2005	<u>5</u>	NOTICE advising of Conditional Transfer. (alh) (Entered: 05/19/2005)
06/06/2005	<u>6</u>	TRANSFER ORDER. Case Transferred to District of Massachusetts for MDL (re Pharmaceutical industry average wholesale price litigation). Signed by Clerk of the Panel Michael J. Beck. (ban) (Entered: 06/13/2005)
06/13/2005		Case transferred to District of Massachusetts. Original file, certified copy of transfer order, and docket sheet sent. (ban) (Entered: 06/13/2005)

PACER Service Center

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Description:	Docket Report	Search Criteria:	5:05-cv-00397-GLS-GJD
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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
OFFICE OF THE CLERK
1 COURTHOUSE WAY
BOSTON, MASSACHUSETTS 02210

Sarah Allison Thornton
CLERK OF COURT

June 8, 2005

Mr. Larry Baerman, Clerk
345 James T. Foley U.S. Courthouse
445 Broadway
Albany, NY 12207

LAWRENCE K. BAERMAN, CLERK
ALBANY

IN RE: MDL DOCKET No. 1456 In Re: Pharmaceutical Industry Average
Wholesale Price Litigation

USDC - Massachusetts Lead Case No. 1:01CV12257-PBS

Your Case: Civil Action Nos:

✓ 1:05-408 County of Washington v. Abbott Labs, Inc. et al	District of MA No: 1:05-11180
✓ 1:05-422 County of Rensselaer v. Abbot Labs, Inc. et al	District of MA No: 1:05-11181
✓ 1:05-425 County of Albany v. Abbott Labs, Inc. et al	District of MA No: 1:05-11182
✓ 1:05-468 County of Warren v. Abbott Labs, Inc. et al	District of MA No: 1:05-11183
✓ 1:05-474 County of Greene v. Abbott Labs, Inc. et al	District of MA No: 1:05-11184
✓ 1:05-478 County of Saratoga v. Abbott Labs, Inc. et al	District of MA No: 1:05-11185

Dear Mr. Baerman :

Enclosed is a certified copy of the Order of the Judicial Panel on Multi-District Litigation, transferring the cases on the attached listing to the U.S. District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to Title 28 United States Code Section 1407. These cases have been assigned to the Honorable Patti B. Saris.

In accordance with the Rules concerning Multi-District Litigation, please forward the original case file, along with a certified copy of the docket entries and a copy of the transfer order for the case now pending in your district as indicated above. Also include a copy of this letter when transmitting your records to the above address.

Your prompt attention to this matter is greatly appreciated. If you should have any questions, please do not hesitate to contact the undersigned at 617-748-9113, Robert Alba, Courtroom Clerk for Judge Saris at 617-748-9175 or Christine Patch, Docket Clerk for Judge Saris, at 617-748-9178.

Sincerely,

Kimberly M. Abaid
Deputy Clerk

Information Copy to: Michael Beck, Clerk of the Panel
Counsel of Record
Robert Alba
Christine Patch

I hereby certify that the foregoing document is a true and correct copy of the

- ☐ electronic docket in the captioned case
☐ electronically filed original in _____
☒ original filed in my office on 5-17-05

Sarah A. Thornton
Clerk, U.S. District Court,
District of Massachusetts

By: _____
Deputy Clerk

DOCKET NO. 1456

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY 12 2005

FILED
CLERK'S OFFICE

15 P 1:09

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION**

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-21)

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 35 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

MAY 31 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

SCHEDULE CTO-21 - TAG-ALONG ACTIONS
DOCKET NO. 1456
IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION

DIST. DIV. C.A. #

CASE CAPTION

NEW YORK NORTHERN

NYN 1 05-408	The County of Washington v. Abbott Laboratories, Inc., et al.
NYN 1 05-422	County of Rensselaer v. Abbott Laboratories, Inc., et al.
NYN 1 05-425	County of Albany v. Abbott Laboratories, Inc., et al.
NYN 1 05-468	County of Warren v. Abbott Laboratories, Inc., et al.
NYN 1 05-474	County of Greene v. Abbott Laboratories, Inc., et al.
NYN 1 05-478	County of Saratoga v. Abbott Laboratories, Inc., et al.
NYN 3 05-354	County of Chenango v. Abbott Laboratories, Inc., et al.
NYN 3 05-456	The County of Broome v. Abbott Laboratories, Inc., et al.
NYN 5 05-397	County of Tompkins v. Abbott Laboratories, Inc., et al.
NYN 5 05-423	County of Cayuga v. Abbott Laboratories, Inc., et al.
NYN 6 05-415	County of Herkimer, New York v. Abbott Laboratories, Inc., et al.
NYN 6 05-489	County of Oneida v. Abbott Laboratories, Inc., et al.
NYN 7 05-479	County of Saint Lawrence v. Abbott Laboratories, Inc., et al.

NEW YORK WESTERN

NYW 1 05-214	County of Chautauqua v. Abbott Laboratories, Inc., et al.
NYW 1 05-236	County of Allegany v. Abbott Laboratories, Inc., et al.
NYW 1 05-256	County of Cattaraugus v. Abbott Laboratories, Inc., et al.
NYW 1 05-259	County of Erie v. Abbott Laboratories, Inc., et al. Opposed 5/24/05
NYW 6 05-6138	County of Wayne v. Abbott Laboratories, et al.
NYW 6 05-6148	County of Monroe v. Abbott Laboratories, Inc., et al.
NYW 6 05-6172	County of Yates v. Abbott Laboratories, Inc., et al.